



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 1/16/00

Agenda Item 3

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: SPR No. 00-130-06 – **WARRAICH CONSTRUCTION. (APPLICANT), Naeem Akram (OWNER), Request to construct a mixed-use development with retail on the first floor and residential units on the second floor at 27938 Baldwin Street. The property is located in a CN (Neighborhood Commercial) zoning district.**

RECOMMENDATION:

It is recommended that the Planning Commission find that the project is categorically exempt from CEQA review, and approve the SPR review permit application subject to the attached findings and conditions of approval.

DISCUSSION:

The proposed development, Naim Plaza, calls for a 3,200 square foot retail store on the first floor with 2 two bedroom and 1 studio residential units on the second floor. The lot is 17,350 square feet.

The proposed mixed-use development is allowed in this zoning district. The applicant anticipates a single user for the bottom retail floor, however it has been designed to accommodate two tenants. The applicant is in discussion with a possible tenant who would like to open an Asian market in the retail space.

The properties along Tennyson Road, adjacent and across the street from the site are zoned Neighborhood Commercial (CN). The zoning immediately to the rear of the site is Single-Family Residential (SFR).

Site Plan

The site is surrounded by commercial uses immediately to the east, and across West Tennyson Road and Baldwin Street to the south and west, respectively. Single family dwelling units are located to the north of the site. The building is sited fronting West Tennyson Road with parking in the rear. This allows for an attractive street frontage along West Tennyson Road.

Access to the parking area is off of Baldwin Street. The proposed project has sufficient parking to meet the parking requirements for retail and residential uses. The plan provides three garage spaces, one for each dwelling unit. Additional residential uncovered parking is interspersed with the retail parking.

Architecture

The building incorporates a Spanish architectural theme as recommended in the Harder-Tennyson Neighborhood Plan. The ceramic tile roof, stucco walls, building trim and metal railings reflect this theme. The proposed building will blend in with the retail development across the street on West Tennyson and Baldwin, which also incorporates a Spanish design theme.

Site Improvements

A 6 inch concrete curb is provided around all planting areas in the parking lot. An 8 foot masonry wall will be provided along the interior property. A trash enclosure is located adjacent to the garage and stairs for the convenience of both the retail and residential tenants. Exterior lighting will be provided in the parking lot and along all walkways.

Landscaping

Trees are provided around the perimeter of the site with special attention to the area adjacent to the residential property. Trees are spaced at 20'-0" on center to screen the Plaza from the single-family dwellings to the west of the site. The parking area is also screened from the street with low shrubs but will allow for police surveillance. Street trees will be provided along West Tennyson Road and Baldwin Street.

Vehicular Circulation

Access to the site will be from Baldwin Street. West Tennyson Road will serve as the main artery to the site. Given the size of the project, there will not be significant traffic impact on the neighborhood street system. The one exception is if a convenience store is proposed. This type of retail use generates up to 20 times more traffic than other possible retail uses. However, a convenience market requires approval of a use permit, and this type of use is currently not under consideration.

Neighborhood Concerns

A petition was circulated with 44 persons objecting to the project. Of primary concern was the assumption that the owner would relocate his 24 hour convenience/liquor store to this location and thereby disturb the character of the neighborhood by nighttime traffic and people loitering after hours. The petition also recommended that the building frontage face West Tennyson Road without a second floor.

An informational meeting was held on August 24, 2000 to address the concerns of the neighborhood. The project was presented by the owner's representatives and questions were fielded. Four community members attended this meeting and expressed the following concerns:

1. Relocation of owner's convenience/liquor store to this site.
2. View of the building from neighboring properties.
3. Increased traffic from Baldwin Street and longer turning delays on to Tennyson Road.
4. People loitering in and around the parking lot.

In response to the community concerns, the owner will not sell liquor from this site nor is it his intent to move his convenience store to this site. (A use permit is required for sales of alcoholic beverages, which is not under consideration at this time.) Trees will be required to be planted at 20'-0" on center to screen the building from the single-family residential dwellings. In addition an 8'-0" high masonry wall will be required around the perimeter property line bordering the adjacent residential and commercial properties.

To discourage people from loitering in the parking lot, exterior lighting will be provided in the parking lot and all walkways. In addition, shrubs will be kept low to allow for police surveillance. The residents on the second floor will also be an ongoing source of surveillance.

In response to traffic concerns, the city's traffic engineers indicate that the volume of traffic should not increase significantly with the proposed use. The attendees were satisfied with the responses and have not provided further comments.

General Plan, Zoning, Permitted Uses and Planning Issues

The proposed development is consistent with the General Plan and Zoning Ordinance. The mixed-use development, commercial/residential use is permitted in this zoning district. The proposed project also complies with the Harder-Tennyson Neighborhood Plan.

Environmental Review

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 153.32, Review of Exemptions.

Public Hearing Notice

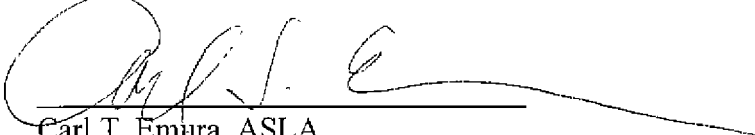
On November 3, 2000, a Notice of Public Hearing was mailed to every property owner and resident within 300 feet of the property as noted on the latest assessor's records.

CONCLUSION:

The Warraich Construction proposed mixed-use development is consistent with the City's goals and policies for development on this site and provides an example of the type of development that will improve the appearance of Tennyson Road. The Spanish architecture and building detailing is consistent with the Spanish design theme adopted in the Harder


Tennyson Neighborhood Plan and is in harmony with the surrounding commercial developments.

Prepared by:



Carl T. Emura, ASLA
Associate Planner

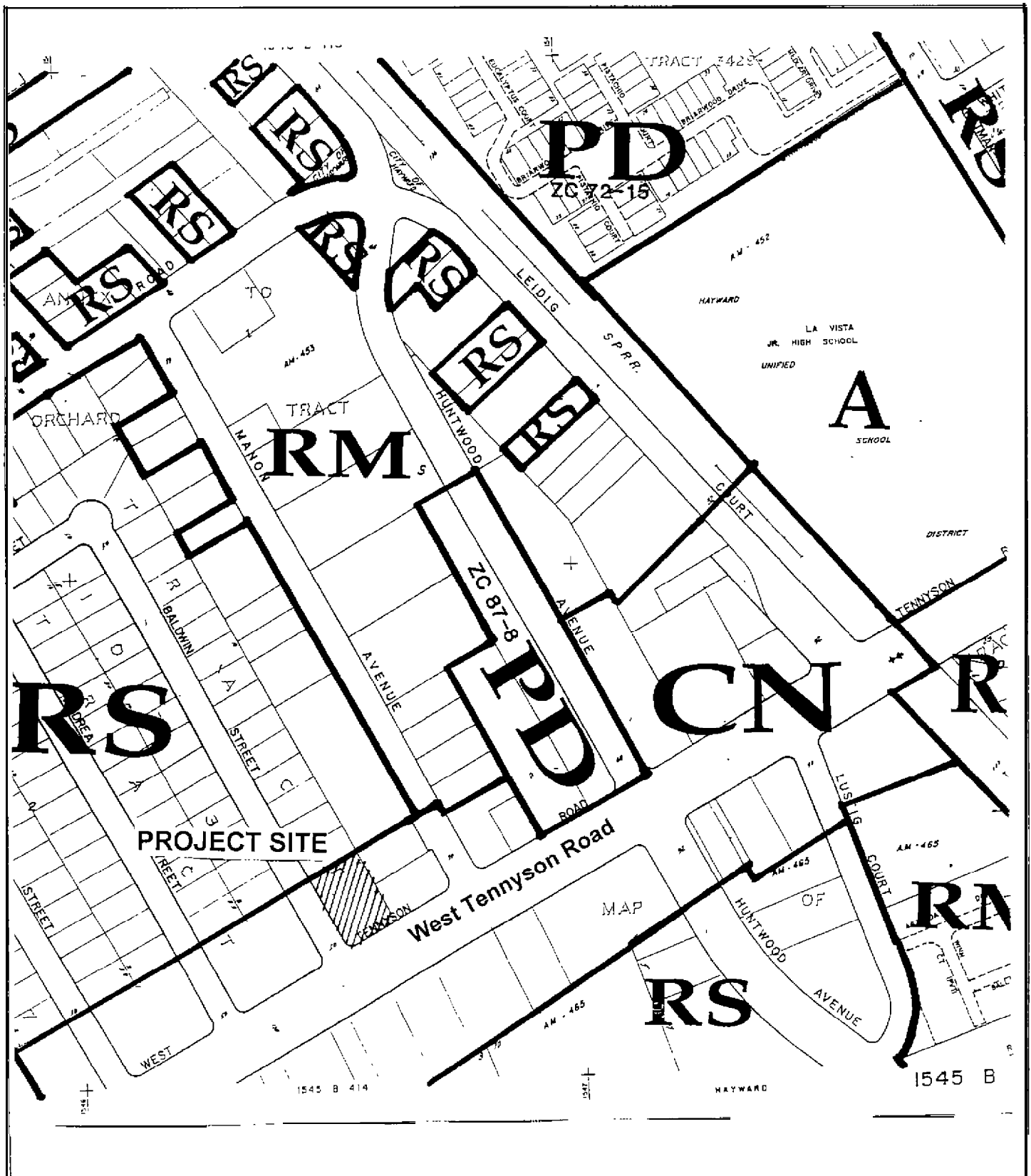
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
Plans



ZONING/AREA MAP – SPR 00-130-07

Warraich Construction (applicant) – Naeem Akram (owner)
338 W. Tennyson Road

FINDINGS FOR APPROVAL
Site Plan Review 00-13-M
Naeem Akram (Owner)
Warrich Construction (Applicant)
27938 Baldwin Street

1. That the Planning Commission find that the Categorical Exemption is Complete and final in accordance with the California Environmental Quality Act Guidelines and reflects the independent judgement of the Planning Commission based on the fact that the project conforms to Section 15332 (Review for Exemption) of the CEQA Guidelines.
2. That Naim Plaza as conditioned is compatible with surrounding structures and is an attractive addition to the City, in that it sets a standard and design theme for the neighborhood,
3. That it takes into consideration physical and environmental constraints **in** that it site the building along West Tennyson Road providing pleasant image along the road.
4. That the project as conditioned complies with applicable City polices including the City's Design Guidelines, the Neighborhood Commercial minimum design and performance standards and the Harder-Tennyson Neighborhood Plan **in** that it meets all the setback, parking and lot coverage requirements and that it also carries out the Spanish Architecture theme indicated in the Harder- Tennyson Neighborhood Plan.
5. That the project **as** conditioned will be operated in a manner determined to be acceptable and compatible with surrounding development in that it's hour of operation will be sensitive to the surrounding single family residential dwellings.

ATTACHMENT B

CONDITIONS OF APPROVAL
Site Plan Review 00-130-06
27938 Baldwin Street

GENERAL

1. The site plan shall become void on November 16, 2001 unless prior to that time a building permit application has been accepted for processing by the Building Official or an extension has been approved.
2. Unless otherwise indicated> all conditions shall be met prior to occupancy.
3. Retail hours shall be limited to the hours of 7 am to 10:30 pm.
4. No liquor sales shall be allowed on the premises.
5. Prior **to** certificate of occupancy, the building tenant shall submit a City business license and additional information to the fire department in regards to the prospective use.
6. Violation of these conditions or the Hayward Municipal Code **is** cause for revocation of permit after a public hearing before the duly authorized review body.
7. The standard conditions of approval for new demolition and for solid waste services must be complied with. They include specific requirements relating to container selection & sizing, collection vehicle access, and construction and demolition wasted management plan.
8. The project owner(s) shall maintain in **good** repair all building exteriors, fences, walls, lighting, trash enclosures, drainage facilities, driveways, parking areas, and any other project features, The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

BUILDING

9. All construction shall be consistent with Exhibit A (site plan) and Exhibit B (elevations) as approved by the Planning Director All elevations shall include enhanced architectural details.
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11. All building materials and colors shall be approved **by** the Planning Director,

ATTACHMENT C

12. Roof materials and exterior colors and finishes shall be approved by the Planning Director prior to issuance of building permits.
13. The building's windows and doors shall be inset in order to provide the appearance of a thickened adobe wall.
14. No mechanical equipment shall be placed on the roof unless it is completely screened from view by the indicated roof system proposed.
15. Any television or satellite reception antennas shall be fully screened from view.
16. No vending machines or other goods or products shall be displayed or sold outside the building. If a public telephone is installed, it shall be installed inside the retail portion of the building.
17. Minimum 6" address required on the building.
18. Exterior lighting shall be provided within the parking area and along walkways. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public right-of-way. Light fixtures shall be decorative and shall tie into the Spanish architectural theme of the structure. The design, color and placement of fixtures shall be approved by the Planning Director.
19. Street numbers, site lighting, and security locks shall comply with the requirements of the City's Security Ordinance, Chapter 41 of the Hayward Building Code.
20. The trash enclosure shall be constructed of high quality decorative materials. The enclosure shall be approved by the Planning Director prior to issuance of a building permit.

GRADING AND DRAINAGE

21. A drainage plan shall be submitted that meets the approval of the Planning Director. Design considerations should be discussed with City staff prior to the preparation of the drainage plan.

FIRE/HAZARDOUS MATERIALS

22. Fire extinguishers are required for the 1st floor commercial/retail portion of the building.
23. The proposed site may require a Phase I Site Assessment, if warranted by the City Hazardous Materials Division.

LANDSCAPING

24. Install Reduced Pressure Backflow Prevention Assembly as Per City of Hayward Standard Detail 202 on all commercial domestic & irrigation water meters.
25. Class 'B' Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement for any landscaped area that adjoin driveways and/or parking areas.
26. An eight foot high masonry wall shall be provided along north property line to buffer the single family residential dwellings from the proposed development. Wall shall be decorative and include columns and a cap. Design, color and finish of masonry wall shall be approved by the Planning Director. Vines shall be planted a minimum of 10 feet on center along wall.
27. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed for required landscape areas prior to occupancy. The system shall include adjustable flood bubblers at each tree, 15-gallon size or larger, and shall utilize a double-check, double-gatebackflow device.
28. Detailed landscaping and irrigation plans prepared by a licensed landscape architect shall be approved by the City prior to issuance of a building permit. Parking areas shall be buffered from the street with shrubs that will create a continuous 30-inch high screen within two years. Above ground utilities shall also be screened from the street with shrubs. Drought tolerate plant materials shall be utilized.
29. The parking lot shall include a minimum of one - 15 gal. parking lot tree for every 6 parking stalls.
30. Street trees shall be planted along both Tennyson Road and Baldwin Street frontages at a minimum of one - 24" box or larger tree every 20' to 40' lineal feet.
31. A landscape strip at least 10 feet wide shall be installed between the proposed parking and the Baldwin Avenue sidewalk.
32. A minimum of one - 15 gal. buffer tree shall be planted for every 20 lineal feet of the north property line that abuts a residential district.
33. Landscaping shall be installed per the approved plans prior to approval of occupancy. A Certificate of Substantial Completion and an Irrigation Schedule shall be submitted by the project landscape architect.
34. Landscaping shall be maintained in a healthy and weed-free condition at all times, with replacement plants provided where necessary. Required street and parking lot trees that are severely topped or pruned shall be immediately replaced.
35. After initial installation, the sprinkler system shall be maintained, including replacement where necessary.

36. Outside utility meters, when not enclosed in a cabinet, shall be screened by plant material or other approved material allowing sufficient distance for reader access.

PARKING

37. All open parking stalls and maneuvering areas on site shall meet the minimum standards of the City Parking Ordinance and shall be striped.
38. All uncovered parking stalls shall be provided with bumper blocks.
39. Any compact parking stall shall be clearly marked for compact cars only.
40. The three-car garage shall be maintained for off-street parking and shall not be converted to a living or storage area.
41. Parking stalls shall be used only for vehicles in operating condition and no recreational vehicles or trailer-hauled boats may be parked or stored within the project. Vehicles parked contrary to this provision shall be removed by the project owner or manager.
42. A proposed change in use will necessitate an evaluation to determine parking adequacy.